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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/752,112	12/29/2000	Robert J. Duncan	061473 0270171	8220

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EXAMINER

NGUYEN, VAN H

ART UNIT	PAPER NUMBER
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2126

DATE MAILED: 05/19/2004

9

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/752,112

Applicant(s)

DUNCAN ET AL.

Examiner

VAN H NGUYEN

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 04 March 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some \* c) ☐ None of:
    - 1. ☐ Certified copies of the priority documents have been received.
    - 2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    - 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

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### DETAILED ACTION

1. This Office Action is in response amendment A filed March 04, 2004. Claims 1-20 are presented for examination.

#### *Claim Objections*

2. Claims 6-8 and 16-18 objected to because of the following informalities: the **abbreviations** used in these claims should be defined.

Appropriate correction is required.

#### *Claim Rejections - 35 USC § 103*

- 3 The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which the subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-6, 8-16, and 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Moore et al.** (U.S. 6,408,342).

5. As to claim 1, Moore teaches the invention substantially as claimed including a method for classifying a remote procedure call that initiates connections to a remote server using a client and underlying remote procedure call transport code (*abstract; col.8, lines 9-26; and col.11, line 51-col.12, line 9*), the method comprising:

detecting when a connection carrying high value data for the remote procedure call is created (*col. 8, line 44 – col.9, line 5 and fig.5 and associated text*);

using a side channel to communicate flow information associated with the detected connection to a classifying router (*col.7, lines 20-35; col.10, lines 54-65; and col.13, lines 11-52*); and

- incorporating the flow information into a differentiated services classification subsystem of the classifying router (*col.9, lines 10-52; col.10, lines 32-65; and col.19, line15-col.20, line 37*).

While teaching a quality service level, the detected connection, and the flow information, Moore does not explicitly teach associating a quality service level to the detected connection in accordance with the flow information.

Moore, however, discloses “*In initiating a call, the Stub 303 may put in a request for a particular QoS requirement... the protocol with the matching the Quality of Service (QoS) required by the Stub 303 is selected*” (*col.19 line 15-65*).

It would have been obvious to one of ordinary skill in the art to have applied the teaching of Moore for “associating a quality service level to the detected connection in accordance with the flow information” in order to provide the evolution of communications in the network system using remote procedure calls.

6. As to claim 2, Moore teaches providing an API to calling applications; detecting when applications call the API; and executing a remote procedure routine based on a call by an application (*col.7, line 63-col.8, line 57 and col.11, lines 51-56*).

7. As to claim 3, Moore teaches accessing a remote procedure call API; and the API provided to calling applications includes functionality duplicative of remote procedure call API functionality (*col.7, line 63-col.8, line 57 and col.11, lines 51-56*).

8. As to claim 4, Moore teaches accessing a remote procedure call API; and the API provided to calling applications presents an interface duplicative of the remote procedure call API to calling applications (*col.7, line 63-col.8, line 57 and col.11, lines 51-56*).

9. As to claim 5, Moore teaches obtaining flow information from an application call to the API; and providing the flow information to the classifying router via the side channel (*col.7, line 63-col.8, line 57; col.10, lines 54-65; and col. 13, lines 11-27*).

10. As to claim 6, Moore teaches MAC and IP addresses (*e.g., location addresses; col.17, lines 22-35*) and MAC and IP port numbers (*e.g., port number; col.17, lines 22-35*), and TCP protocol type for the connection (*e.g., TCP/IP connection; col.7, lines 12-19 and col.22, lines 1-11*).

11. As to claim 8, it includes the same limitations as claim 6 above, and is similarly rejected under the same rationale.

12. As to claim 9, Moore teaches incorporating includes: using the flow information to determine a differentiated services classification for the connection; and marking traffic delivered to the connection by the classifying router based on the classification (*col.19 line 15-65*).

13. As to claim 10, Moore teaches detecting the identity of the client making the remote procedure call, the flow information further containing this detected identity (*col.8, line53-col.9, line 5*).

14. As to claims 11-16 and 18-20, note the rejection of claims 1-6 and 8-10 above. Claims 11-16 and 18-20 are the same as claims 1-6 and 8-10, except claims 11-16 and 18-20 are apparatus claims and claims 1-6 and 8-10 are method claims.

15. Claims 7 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Moore** in view of **Aharoni et al.** (U.S.6,014,694).

16. As to claim 7, Moore does not explicitly teach a CGI script.

Riddle teaches a CGI script (*e.g., A Common Gateway Interface (CGI) script; col.6, lines 43-62*).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teachings of Riddle and Moore because Riddle's teaching would have provided the capability for enabling information from user clients to be acted upon by a web server.

17. As to claim 17, note the discussion of claim 7 above for rejection.

***Response to Arguments***

18. Applicant's arguments filed on March 4, 2004 have been fully considered, but are deemed to be moot in view of the new grounds of rejection necessitated by Applicant's amendments.

***Conclusion***

19. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Afek et al. "Remote object oriented programming with quality of service or Java's RMI over ATM" 1996, pp. 1-6.

- Dave et al. "Proxies, application interfaces, and distributed systems " 1992 IEEE, pp. 212-220.

- Stoller "Computer communications software " India University 1998, pp. 1-24.

20. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(x). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(x).

21. A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after

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the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.


22. Any inquiry concerning this communication or earlier communications from the examiner should be directed to VAN H NGUYEN whose telephone number is (703) 306-5971. The examiner can normally be reached on Monday-Thursday from 8:30AM - 6:00PM. The examiner can also be reached on alternative Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng-Ai An can be reached on (703) 305-9678.

The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

VHN



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